



8-23-04

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EXPRESS MAIL NO. EV380369736US

Date Mailed: August 19, 2004

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Rommelaere, et al.

Application Serial No.: 09/807,579

Filed: November 28, 2001

For: **PARVOVIRUS VECTORS AND  
THEIR USE**

Group Art Unit: 1648

Examiner: Mary Mosher

Attorney's Docket No:  
03528.0127.NPUS00

Confirmation No.: 2091

**Petition to Withdraw Holding of Abandonment Under 37 CFR § 1.181 (a)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22213-1450

Applicant hereby petitions to withdraw holding of abandonment of the above-identified application under 37 CFR 1.181 (a) based on failure to receive the Office Action mailed December 2, 2003.

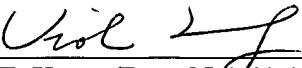
The undersigned attorney states that the Office Action mailed December 2, 2003 was not received by the attorney; and a search of the file jacket and docket records indicates that the Office Action was not received. A copy of the docket record where the non-received Office Action would have been entered had it been received and docketed is attached herewith as the showing to establish non-receipt of the Office Action.

Applicant request that the U.S. Patent and Trademark Office withdraw holding of abandonment in view of the evidence presented in support of the contention that the Applicant's representative did not receive the original Office Action. Applicant also requests that the U.S. Patent and Trademark Office mail a new Office Action.

Applicant believes that no fee is associated with this petition. However, the U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, to our Deposit Account No. 08-3038 referencing Atty Dkt. No. 03582.0127.NPUS00.

Respectfully submitted,

Date: August 19, 2004

  
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Viola T. Kung (Reg. No. 41,131)

Enclosure: Docket Record (3 pages)

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Please file on top of last Correspondence**CASE RECORD LISTING**

File No	03528.0127.NPUS00	Status Code	PEN
Old Matter Number	P20529US0	Country Code	US
Short Title	Parvovirus-Vectors and Their Use	Case Type	NAT
Region	CA	Last Amended	06 Aug 2004
Location	MP	Last Amended By	SYSADM
Defendant (Opps)		Entity Size Ind	Large
Opposer (Opps)		CPA Reportable	Y
Language of Filing		Module	Patents

<u>Base Reference</u>	<u>Date</u>	<u>Number</u>
Case created	29 Aug 2001	
Mailed	13 Apr 2001	
Application No. / Date	13 Apr 2001	09/807,579
Converted Expiry Date	13 Apr 2021	
Converted First Priority	14 Oct 1998	
Priority (first)		
PCT Filing No. / Date		
Publication (early)		
Publication (post-examination)		
Notice of Allowance / Acceptance date		
Grant / Issue No. / Date		

<u>Role Type</u>	<u>Name</u>
Billing Attorney	Clough David W.
Client	Huber & Schüssler
Owner/Applicant/Proprietor	Huber & Schüssler
Inventor	Jean Rommelaere
Inventor	Krebsforschungszentrum Deutsches
Responsible Attorney	Kung Viola T.
Inventor	Peter Tattersall
Inventor	Schubler Andrea

**CASE RECORD LISTING**

<u>Diary Due Dates</u>	<u>Action</u>	<u>Comments</u>	<u>Completed Date</u>
9/28/2004	Petition to Revive	8/3/04 - recd notice of abandonment dtd 7/28/04, failure to respond to an office action dtd 12/2/03.	
4/10/2001	DOCKET SHEET		4/10/2001
5/14/2001	FILE APPLN		4/13/2001
7/13/2001	POST CARD CHECK		4/13/2001
7/13/2001	STATUS MISSING PARTS		4/13/2001
8/30/2001	SEQUENCE STMNT/DISK	Rec'd Notice to Comply w/Sequence Listings from PTO dtd 05/30/01; 10/19/01 - per Rita Charles' 10/18/01 email -action completed	5/30/2001
8/30/2001	REVIEW: SEQUENCE STMNT/DISK	Rec'd Notice to Comply w/Sequence Listings from PTO dtd 05/30/01; 10/19/01 - per Rita Charles' 10/18/01 email -action completed	7/31/2001
8/30/2001	MISSING PARTS (2 MO)		8/30/2001
9/30/2001	Extension 1		9/30/2001
10/30/2001	MISSING PARTS (2 MO) - Extension 2	Rec'd Notice to File Missing Parts from PTO dtd 05/30/01; 10/24/01 - rec'd POA executed by Peter Tattersall	10/30/2001
11/30/2001	MISSING PARTS - Extension 3	Rec'd Not to File Missing Parts 11/28/2001 dtd 05/30/01; 9/24/01 - sent Client remd re docs due; 10/24/01 - rec'd POA exec by Peter Tattersall; 11/19/01 - rec'd Client ltr dtd 11/14 encl exec POA; 11/28/01 - filed Resp to MP; 12/17/01 - rec'd Ret Resp PC dtd 11/28/01 (original deadline 07/13/01); 01/11/02 - filed IDS; 01/28/02 - rec'd Return IDS Postcard date-stamped 01/11/02	11/28/2001
2/13/2002	INF DISCLOSURE STMNT		1/11/2002
2/13/2002	FILG RCPT STATUS CHK	Rec'd Ltr from Huber & Schussler requesting formal papers to be signed by inventors; and filing report. 07/04/01; 02/05/02 - rec'd Filing Receipt dated 01/29/02	2/5/2002
4/13/2003	STATUS 1ST OA		3/11/2003
6/7/2003	Response to OA	3/11 Recvd OA Re: rejection of claims; 04/02/03 - sent Client copy of OA & req inst	9/5/2003
7/7/2003	Response to OA Extension 1		9/5/2003
8/7/2003	Response to OA Extension 2		9/5/2003
9/7/2003	Response to OA Final Deadline	08/12/03 - rec'd Client fax - Client to provide OA inst by Sept; 08/25/03 - rec'd Client fax w/OA inst; 09/05/03 - filed Response to Office Action. 09/17/03 - Rec'd return postcard dtd. 09/05/03.	9/5/2003
3/5/2004	Status Office Action		7/28/2004

**CASE RECORD LISTING**

**Abstract**

**Remarks**

Notes: Rec'd Ltr fr. Huber dated 07/13/01 re formal papers and filing report. Rec'd 2nd reminder ltr from Huber dated 07/18/01 requesting formal papers to be signed by the inventors and filing report; 02/05/02 - rec'd Notice of Acceptance of Application dated 01/24/02; 02/13/02 - sent Client ltr encl Notice of Acceptance

**Claims**

**Date Docketed:** 06 Aug 2004

**DOCKETED BY:** *JME*

**CHECKED BY:** \_\_\_\_\_